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Appl. No. 98.616m649
Docket No. 5922R2C3
Amdt. dated August 22, 2006
Reply to Office Action mailed on June 27, 2006
Customer No. 27752

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REMARKSClaim Status

Claims 1-15, 17, 18, 38-52, 54, 55, 75, 80, 81, 86-102 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over Wilbur (US 2,338,749) in view of Sanders (US 5,344,693)

All pending claims have been rejected under 35 USC §103(a) as being unpatentable over Wilbur (US 2,338,749) in view of Sanders (US 5,344,693). This rejection is traversed because the combination of references fails to teach or suggest each of the limitations of the invention as claimed and because there is no reason to expect the combination set forth in the Office Action to be successful.

The combination of references fails to teach or suggest at least a non-porous material having a gauge in the range of between about 0.0001 inches to about 0.002 inches that is also sufficiently flexible to conform readily to a desired surface and having sufficiently small resiliency that it does not exert undue restorative forces that would tend to cause said sheet of material to break contact with such a desired surface.

There is no reason to expect the cited combination to be successful. The Office Action combines not only Wilbur with Sanders, but also add monolayer cling film to the combination to satisfy requirements lacking in the original combination. The added monolayer film is then coated with adhesive and partially covered with physical standoffs by the Office. Monolayer cling film is designed to adhere to itself, there is no motivation to add a layer of adhesive or standoffs to this film other than a desire to make the cling film more like the claimed invention. The cling film is identified by the Office as having the claimed level of flexibility and resiliency. However, there is not support provided for the idea that this film may be altered through the addition of an adhesive layer and standoffs and yet retain the properties related to the thickness and monolayer structure of the original film.

The rejection under 35 USC §103(a) is not properly supported and should be reconsidered and withdrawn.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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